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FILED

APR 20 2006

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Attorneys for Defendants
 THE TRAVELERS INSURANCE COMPANIES; THE
 TRAVELERS INDEMNITY COMPANY OF
 ILLINOIS; THE TRAVELERS LLOYDS COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EUGENE J. BURGER, an individual;
 EUGENE BURGER MANAGEMENT
 CORPORATION, a California corporation,
 EUGENE BURGER MANAGEMENT
 CORPORATION, a Nevada corporation,
 EUGENE BURGER MANAGEMENT
 CORPORATION, a Texas corporation, in their
 corporate capacities; and other named plaintiffs
 as listed in appendix A to Plaintiffs' Fifth
 Amended Complaint,

Plaintiffs,

vs.

MICHAEL B. KUIMELIS, individually and
 dba MBK INSURANCE SERVICES; MBK
 INSURANCE SERVICES; KATIE LUCEY
 (also known as (Katie O'Leary) ACORDIA
 LLOYD INSURANCE SERVICES; THE
 TRAVELERS INSURANCE COMPANIES;
 THE TRAVELERS INDEMNITY COMPANY
 OF ILLINOIS; THE TRAVELERS LLOYDS
 COMPANY; FIREMANS FUND
 INSURANCE COMPANY,

Defendants.

CASE NO.: C-02-2309 VRW

**STIPULATION AND ORDER FOR
 DISMISSAL OF ALL CLAIMS AGAINST
 THE TRAVELERS INSURANCE
 COMPANIES WITH PREJUDICE
 PURSUANT TO F.R.C.P. 41 (a)(2)**

Dept: Department 6, 17th Floor
Honorable Vaughn R. Walker

COPIES MAILED TO SUBMITTING COUNSEL

AND RELATED CROSS-COMPLAINT

1 Plaintiffs Eugene J. Burger; Eugene Burger Management Corporation, a California
 2 corporation; a Nevada corporation; a Texas corporation, and Cross Defendant Friandes Group, Inc.
 3 and entities which Eugene Burger Management Corporation, California, Eugene Burger
 4 Management Corporation, Nevada, Eugene Burger Management Corporation, Texas, serve(s) as
 5 General Partner and/or Management Agent (hereinafter collectively "Plaintiffs") and Defendants
 6 The Travelers Insurance Companies, The Travelers Indemnity Company of Illinois, and The
 7 Travelers Lloyds Company (collectively "Travelers"), by and through their respective counsel of
 8 record, do hereby stipulate that all claims, including without limitation the causes of action for
 9 Fraud and Unfair Trade Practices/Competition, filed by Plaintiffs against Travelers be dismissed in
 10 their entirety, with prejudice, pursuant to F.R.C.P. 41(a)(2), each party to bear its own costs of suit
 11 and attorney's fees. The parties respectfully request that the Court approve and give effect to this
 12 dismissal.

13 IT IS SO STIPULATED.
 14

15
 16 Dated: ^{March} ~~February~~ 8, 2006

TOPEL & GOODMAN

17 By 

18 Marcus S. Topel

19 Daniel F. Cook

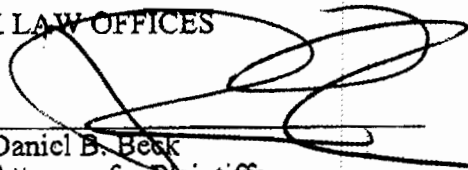
20 Attorney for Plaintiffs

21 EUGENE J. BURGER, an individual;
 22 EUGENE BURGER MANAGEMENT
 23 CORPORATION, a California
 24 corporation, EUGENE BURGER
 25 MANAGEMENT CORPORATION, a
 26 Nevada corporation, EUGENE BURGER
 27 MANAGEMENT CORPORATION, a
 28 Texas corporation, in their corporate
 capacities; and other named plaintiffs as
 listed in appendix A to Plaintiffs' Fifth
 Amended Complaint

March
Dated: February 6, 2006

BECK LAW OFFICES

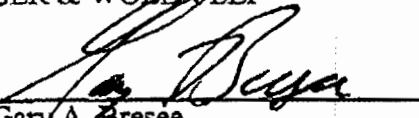
By


Daniel B. Beck
Attorney for Plaintiffs
EUGENE BURGER MANAGEMENT
CORPORATION, a California
corporation, EUGENE BURGER
MANAGEMENT CORPORATION, a
Nevada corporation, EUGENE BURGER
MANAGEMENT CORPORATION, a
Texas corporation, in their corporate
capacities; and other named plaintiffs as
listed in appendix A to Plaintiffs' Fifth
Amended Complaint

Dated: February 15, 2006

BARGER & WOLEN LLP

By



Gary A. Bresee
Kevin K. Ho
Attorney for Defendants
THE TRAVELERS INSURANCE
COMPANIES; THE TRAVELERS
INDEMNITY COMPANY OF
ILLINOIS; THE TRAVELERS
LLOYDS COMPANY

ORDER

GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED that all claims against Defendants THE TRAVELERS INSURANCE COMPANIES, THE TRAVELERS INDEMNITY COMPANY OF ILLINOIS, and THE TRAVELERS LLOYDS COMPANY are dismissed with prejudice, in their entirety, pursuant to F.R.C.P. 41(a)(2).

IT IS SO ORDERED.

20 APR 2006
Dated: _____



VAUGHN R. WALKER
United States District Court